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INITIATIVE 329

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 329 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to railroad pedestrian safety; amending RCW
2 81.48.020, 81.48.060, 81.60.020, and 81.48.010; adding a new section
3 to chapter 9A.52 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 81.48.020 and 1961 c 14 s 81.48.020 are each amended
6 to read as follows:

7 Every person who shall willfully obstruct, hinder or delay the
8 passage of any car lawfully operated upon any railway, shall be
9 guilty of a gross misdemeanor.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.52
11 RCW to read as follows:

12 (1) A person is guilty of railroad criminal trespass if the
13 person knowingly enters or remains unlawfully on railroad
14 company property.

15 (2) Railroad criminal trespass is a gross misdemeanor.

1 (3) "Railroad company" has the same meaning as provided in RCW
2 81.04.010.

3 **Sec. 3.** RCW 81.48.060 and 1961 c 14 s 81.48.060 are each amended
4 to read as follows:

5 Every engineer, motorman, gripman, conductor, brakeman, switch
6 tender, train dispatcher or other officer, agent or servant of any
7 railway company, who shall be guilty of any willful violation or
8 omission of his duty as such officer, agent or servant, by which no
9 punishment is specially prescribed, shall be guilty of a gross
10 misdemeanor.

11 **Sec. 4.** RCW 81.60.020 and 2001 c 72 s 2 are each amended to read
12 as follows:

13 (1) Any railroad corporation desiring the appointment of any of
14 its officers, agents, or servants not exceeding twenty-five
15 in number for any one division of any railroad operating in
16 this state as railroad police officers shall file a request
17 with the criminal justice training commission on an approved
18 application form. The application shall be signed by the
19 president or some managing officer of the railroad
20 corporation and shall be accompanied by an affidavit stating
21 that the officer is acquainted with the person whose
22 appointment is sought, that the officer believes the person
23 to be of good moral character, and that the person is of
24 such character and experience that he or she can be safely
25 entrusted with the powers of a police officer.

26 (2) Every railroad corporation shall appoint at least one
27 officer, agent or servant, in accordance with subsection (1)
28 of this section, to routinely patrol railroads for persons
29 committing railroad trespass under section 2 of this act and
30 to ensure locomotive engineer compliance with RCW 81.48.010.

31 (3) For the purpose of this section, "division" means the part
32 of any railroad or railroads under the jurisdiction of any
33 one-division superintendent.

34 **Sec. 5.** RCW 81.48.010 and 1995 c 315 s 1 are each amended to
35 read as follows:

1 (1) Every engineer driving a locomotive on any railway who shall
2 fail to ring the bell or sound the whistle upon such
3 locomotive, or cause the same to be rung or sounded at least
4 eighty rods from any such railway crosses a traveled road or
5 street on the same level (except in cities, or in counties
6 that enact ordinances applying only to crossings equipped
7 with supplemental safety measures as provided in RCW
8 81.48.015), or to continue the ringing of such bell or
9 sounding of such whistle until such locomotive shall have
10 crossed such road or street, shall be guilty of a gross
11 misdemeanor.

12 (2) This section shall not apply to an engineer operating a
13 locomotive within yard limits or when on track, which is not
14 main line track, where crossing speed is restricted by
15 published special instruction or bulletin to ten miles per
16 hours or less.

17 All carriers will be equipped with imaging devices that enables
18 engineers to know pedestrians are trespassing on train tracks and be
19 required to stop the train prior to striking the trespassers with the
20 train. Visual safety equipment will include equipment that can "see"
21 during daylight hours as well as dusk to dawn. High Power video
22 cameras with zoom capabilities will be mounted at high pedestrian
23 fatality locations and monitored by the Washington Utilities and
24 Transportation Commission, Railroad Division. Rail carriers, train
25 dispatchers and law enforcement will have access to view the real
26 time video.

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